

REMARKS

Claims 1-10 are pending in the application.

The March 2, 2005 Office Action mistakenly indicates that claims 1-11 are pending in the application. Applicant notes that claims 11-77 were previously cancelled from the application, and accordingly it is claims 1-10 which are pending in the application.

The Examiner requests that Applicant elect one species from each of lettered groups A-G. Applicant hereby elects groups A-1, B-1, C-1, E-1, F-1 and G-7; group D doesn't apply since Applicant elected A-1. Applicant notes that group A-1 can be generic to group A-2 since a construction comprising three layers also comprises two layers, and similarly group F-1 can be generic to groups F-2 and F-3.

Claims 1-3 are generic to all of the Examiner's identified species, and claims 9 and 10 read directly on various of the species elected by the Applicant. Claims 4, 5, 7 and 8 contain some elected species (B-1, C-1, B-1 and C-1, respectively), but also contain some species not elected (C-2, B-2, B-2 and B-4, respectively).

Applicant is puzzled in ascertaining what the Examiner is looking for with this request for election, in that the request is nearly identical to a request in the previous Office Action of December 2, 2004 which Applicant fully responded to on December 13, 2004. In other words, three months have elapsed for prosecution of the application, and the Examiner has apparently made no progress in examining any of the ten pending claims. Instead, the Examiner is essentially repeating an election request that Applicant already fully replied to. The Examiner appears to be wanting to argue as to whether claims 1-3 are actually generic to all of the identified species, or are some sort of a combination of sub-

combinations that would make claims 1-3 inappropriate to be considered generic. Applicant respectfully submits that claims 1-3 are broad enough to encompass all of the various species identified by the Examiner, and that it remains Applicant's contention that claims 1-3 are appropriately generic. Applicant hereby traverses the Examiner's contention that claims 1-3 are not generic to the various species identified by the Examiner. However, Applicant also submits that the question of whether or not claims 1-3 are appropriately generic should not impede the Examiner's further examination of this application. Applicant has elected species for further examination and identified the claims that read on the elected species. The case is thus now ready for substantive examination.

The Examiner contends that the utilization of the term "mass" in the claims makes searching unduly burdensome due to the breadth of such term. Applicant did a quick search on the PTO database and found the term "mass" used in the claims of 50,182 patents that have issued from 1978 to the present. Applicant traverses the Examiner's position regarding the inappropriateness of Applicant's use of the term "mass", and respectfully submits that the patent statutes grant the Applicant the right to define the invention with terms of the Applicant's choosing. The Examiner does not have the authority to force the Applicant to use narrow terms in the claims for the sole purpose of simplifying the Examiner's search. Also, since the Patent Office has been of the opinion in more than 50,000 previous cases that the term "mass" was permitted to be used in the claims, it is a violation of Applicant's rights granted under the 14th Amendment to the constitution for "Equal Protection of The Law" that this Applicant be either prevented from using the term "mass" in this instance, or be required to narrow the term "mass" to a

specific embodiment that falls under the term "mass" when Applicant's specification and claims clearly indicate that Applicant considers the invention broad enough to have features appropriately defined by the term "mass" without further limitation of the term. Applicant therefore respectfully requests that the Examiner reverse his position that the term "mass" is inappropriately broad in the present claims.

Applicant respectfully requests examination of the pending claims.

Respectfully submitted,

Dated: March 14, 2005 By: 
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